

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
GREEN BAY DIVISION**

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CENTRAL BROWN COUNTY WATER AUTHORITY,

Plaintiff,

Case No. 09-C-131

v.

Hon. William C. Griesbach

CONSOER, TOWNSEND, ENVIRODYNE,

Defendant.

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**DECLARATION OF SUSAN G. SCHELLINGER IN SUPPORT OF CTE'S MOTION  
TO EXTEND TIME TO FILE SUMMARY JUDGMENT MOTIONS, OR, IN THE  
ALTERNATIVE, TO PRECLUDE EXPERT TESTIMONY OF PATRICIA GALLOWAY**

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Susan G. Schellinger, declares the following under penalty of perjury:

1. I am one of the attorneys for Consoer, Townsend, Envirodyne ("CTE") in the above-entitled action.

2. As reported to the Court at the August 5, 2011 hearing, CTE's motion for summary judgment will require taking the depositions of the Authority's experts.

3. The Authority identified 5 experts in this case: Patricia Galloway, Neill Hampton, Paul Damon, Donald Voogt and Scott Mahnke. On August 11, 2011, CTE requested dates to take the deposition of the Authority's experts, including Patricia Galloway. Ms. Galloway issued a 158 page expert report on November 16, 2009 that addresses nearly every substantive issue in the case. Attached hereto as Exhibit A is a true and correct copy of my August 11, 2001 email exchange with Attorney James Bartzen.

4. On August 23, 2011, the Authority advised me that Ms. Galloway would likely not be available for deposition before November 14, 2011, due to the press of other matters. After multiple efforts to schedule her deposition, the Authority stated on September 21, 2011,

that the first possible date Ms. Galloway would be made available was January 26, 2012 in Seattle. Attached hereto is a true and correct copy of my email exchanges with Attorney Earl Munson regarding Patricia Galloway's deposition.

5. Although CTE has asked the Authority to agree to adjourn the summary judgment deadline until a reasonable time after Ms. Galloway's deposition, the Authority refused.

6. Attached hereto as Exhibit C is a true and correct copy of excerpts of Paul Damon's expert report on damages.

7. Attached hereto as Exhibit D are true and correct copies of an excerpt of Paul Damon's September 21, 2011 deposition testimony.

Dated this 23rd day of September, 2011.

s/Susan G. Schellinger

Susan G. Schellinger